

Exhibit

1

Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE MIDDLE DISTRICT OF ALABAMA
 3 SOUTHERN DIVISION
 4
 5 CURLY YOUNG,
 6 Plaintiff,
 7 vs. } CIVIL ACTION:
 8 HONEYWELL TECHNOLOGY } 1:02-CV-00563-SRW
 9 SOLUTIONS, et al, }
 10 Defendants. }
 11
 12 **STIPULATIONS:**
 13 IT IS STIPULATED AND AGREED by
 14 and between the parties through their
 15 respective counsel, that the deposition
 16 of JERRY L. TEMPLE may be taken before
 17 Winters O. Hope, Alabama CSR #104,
 18 Commissioner and Notary Public, State of
 19 Alabama at Large, at the offices of Mr.
 20 Joe W. Adams, Attorney at Law, 1278
 21 Andrews Avenue, Ozark, Alabama, 36360, on
 22 the 27th day of March, 2007.
 23 IT IS FURTHER STIPULATED AND

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1 I, Winters O. Hope, Alabama CSR
 2 104, and Notary Public for the State of
 3 Alabama at Large, acting as Commissioner, 1
 4 certify that on this date, as provided by
 5 The Federal Rules of Civil Procedure and
 6 the foregoing stipulation by counsel,
 7 there came before me at 12:48 p.m.,
 8 Central Daylight Time, on March 27, 2007,
 9 JERRY L. TEMPLE, witness in the above
 10 cause for oral examination, whereupon the
 11 following was had and done:
 12
 13
 14 **JERRY TEMPLE:**
 15 having been duly sworn, was
 16 examined and testified as follows:
 17
 18 **EXAMINATION BY MR. BENNITT:**
 19 Q State your name, please, sir.
 20 A **Jerry Lamar Temple.**
 21 Q Who do you work for?
 22 A **Honeywell Technology Solutions,**
 23 **Incorporated.**

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1 AGREED that the signature to and the
 2 reading of the deposition by the witness
 3 is waived, the deposition to have the
 4 same force and effect as if full
 5 compliance had been had with all laws and
 6 rules of Court relating to the taking of
 7 depositions.
 8 IT IS FURTHER STIPULATED AND
 9 AGREED that it shall not be necessary for
 10 any objections to be made by counsel as
 11 to any questions, except as to form or
 12 leading questions, and that counsel for
 13 the parties may make objections and
 14 assign grounds at the time of trial, or
 15 at the time said deposition is offered in
 16 evidence or prior thereto.
 17 IT IS STIPULATED AND AGREED that
 18 this deposition is taken after issuance
 19 of formal notice.
 20
 21
 22 **INDEX:**
 23

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1 Q How long have you worked for
 2 Honeywell?
 3 A **Approximately 16 years, 8 months.**
 4 Q How long have you been the
 5 immediate supervisor over the Range
 6 Techs?
 7 A **I have been in a Crew Chief**
 8 **capacity for approximately nine years.**
 9 Q You do Range Tech work and
 10 supervisory work --
 11 A **Yes.**
 12 Q -- together?
 13 A **Yes, sir, I do.**
 14 Q Did you know Chris Hines before
 15 he went to work for Honeywell?
 16 A **No, sir, I did not.**
 17 Q Did you have any input in
 18 recommending that Chris Hines take Mr.
 19 Young's place, after Mr. Young left in
 20 May of '06?
 21 A **Can you clarify the question for**
 22 **me?**
 23 Q Did Mr. Erickson --

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1 **EXAMINATION BY:** **PAGE:**
 2 **MR. BENNITT** 422
 3 **MS. REISS** 22 - 25
 4
 5
 6 - - - - -
 7 **BEFORE:**
 8 Winters O. Hope, Commissioner.
 9 **APPEARANCES:**
 10 Mr. Jeffrey W. Bennitt,
 11 Attorney at Law, 4898 Valleydale Road,
 12 Birmingham, Alabama, 35242, appearing for
 13 the Plaintiff.
 14 Ms. Sandra B. Reiss, Attorney at
 15 Law, of the firm of Ogletree, Deakins,
 16 Nash, Smoak & Stewart, P.C., One Federal
 17 Place, Suite 1000, 1819 5th Avenue North,
 18 Birmingham, Alabama, 35203, appearing for
 19 the Defendants.
 20 Also in appearance:
 21 Mr. Curly Young, Plaintiff.
 22 Mr. Kenneth A. Erickson.
 23

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1 A **I don't really understand what**
 2 **you're asking. I'm a supervisor, and**
 3 **it's my job to make sure that this gets**
 4 **done. So, yes, I did have some input**
 5 **into the decision-making about who would**
 6 **be working on those small arms ranges.**
 7 **Yes, sir, I did.**
 8 Q Who did you recommend?
 9 A **Chris Hines.**
 10 Q And you recommended that to Mr.
 11 Erickson?
 12 A **Yes, sir. I guess you could say**
 13 **so.**
 14 Q Did you recommend that he be --
 15 that Mr. Young be terminated?
 16 A **No, sir, I did not.**
 17 Q No one asked for your
 18 recommendation?
 19 A **No, sir.**
 20 Q Why did you recommend that Chris
 21 Hines take over Mr. Young's place?
 22 A **Because Chris Hines had been an**
 23 **RCS Operator prior to that position, and**

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1 he was familiar with all the small arms
 2 ranges.
 3 Q Have you -- on the work side,
 4 have you ever used any racial slurs?
 5 A No, sir, I have not.
 6 Q Have you ever used the phrase,
 7 "Little 'N-word' catfish," or words to
 8 that effect?
 9 A No, sir. I don't recall ever
 10 using that phrase.
 11 Q You never said the "N" word?
 12 A No, sir.
 13 Q Did you have a diary or manual
 14 that you kept on the work habits of Mr.
 15 Young, outside of his personnel file?
 16 A Well, the only thing I can think
 17 of that you may be referring to, sir, is
 18 the Performance and Development Summary
 19 updates that I do on a regular basis for
 20 all my employees, in order for end of the
 21 year evaluations and merit increases.
 22 Q Where do you keep these
 23 documents?

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1 A I keep them in a PDS binder in
 2 the Project Manager's office.
 3 Q Are they designated by the names
 4 of the people you supervise?
 5 A Yes, sir, they are.
 6 Q What are the names on those
 7 files?
 8 A Calvin Flowers, Chris Hines,
 9 Curly Young and Doug Wriston.
 10 Q And the purpose of keeping these
 11 files is to refresh your recollection
 12 when it came time to do Performance
 13 Evaluations?
 14 A Yes, sir. For merit increases at
 15 the end of the year.
 16 Q After the Performance Evaluation,
 17 what did you do with this material?
 18 A I don't -- I don't have any idea.
 19 I'm sure -- I guess they're still in the
 20 PDS file. That's not under my control.
 21 Q Tell me what PDS means.
 22 A Performance and Development
 23 Summary. I thought I already stated

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1 that.
 2 Q I'm sorry.
 3 A Yes, sir. That's where they
 4 stay. I don't have any control over the
 5 binder. I just add updates to it on a
 6 quarterly basis, or monthly, or whenever
 7 I feel necessary that I need to put
 8 something in it.
 9 Q Well, this binder, is it -- I
 10 mean, is it outside of the personnel
 11 files?
 12 A Yes, sir.
 13 Q And whose -- under whose
 14 authority was this binder created? Who
 15 created this?
 16 A Well, Ken Erickson had suggested
 17 that I keep up with all my employees in
 18 this manner, in order to justify merit
 19 increases at the end of the year. If
 20 somebody came to me and said, "I didn't
 21 get no money." I'd say, "Well, you look
 22 at your performance."
 23 Q So that binder is still active?

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1 I mean, what I'm saying is, you don't
 2 purge it after the year is over?
 3 A No, sir. I don't purge it at
 4 all. It's not mine to purge.
 5 Q Whose is it?
 6 A Like I say, I add the updates and
 7 --
 8 Q Whose is it?
 9 A -- the binder stays in the office
 10 of the Project Manager.
 11 Q Whose binder is it?
 12 A The Project Manager's.
 13 Q It's Mr. Erickson's binder?
 14 A Well, if that's what you want to
 15 call it. Yes, sir. I guess it would be
 16 his binder. I don't think it had his
 17 name on it, but it is in his office.
 18 Q Did you train Mr. Hines on the
 19 incident involving his electrocution?
 20 And I use the word "electrocution." I
 21 mean, he was -- I mean, obviously, he was
 22 shocked.
 23 A Yes, sir. I guess you could say

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1 that I had given him some training. But
 2 I would also like to add that all of my
 3 people work together to help each other
 4 in -- in the time of need. Especially,
 5 if we've got a new employee coming in, I
 6 may not provide all the training. I've
 7 got people, you know, in a lead capacity
 8 role that can do training, as well.
 9 Q Who assigned him the job in the
 10 bunker?
 11 A That's part of his normal duties,
 12 monthly. I don't assign tasks on a daily
 13 basis. I -- I've got a certain amount of
 14 tasks that I have to complete every month
 15 and every quarter, and the guys who are
 16 working on different parts of the range
 17 know what those tasks are, and they
 18 perform them on a regular basis.
 19 Q Initially, though, at some point
 20 initially, someone had to say, "You go
 21 work in the bunker. That's what your job
 22 is." And my question is, who -- who sent
 23 him to the bunker, initially?

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1 A I didn't send him to no bunker.
 2 I might have said, "Mr. Young, you know --" I mean,
 3 "Mr. Hines, your Preventative
 4 Maintenance Checks and Service for the
 5 month is due on the Hotel Mover.
 6 Q All right. I'm not making myself
 7 clear. When was -- who put him on the
 8 bunker for the first time, of the first
 9 day of the job of working in the bunker?
 10 Who sent him there? Do you understand?
 11 Am I being vague?
 12 A No, sir. I don't think I
 13 understand what you're getting at.
 14 Q Okay.
 15 A Mr. Hines was taken to a bunker
 16 and shown what a bunker was.
 17 Q Okay. Before he was taken to the
 18 bunker, did he work for Honeywell?
 19 A Yes, sir, he did.
 20 Q What did he do?
 21 A He was an RCS Operator.
 22 Q Okay. And then he switched jobs
 23 with Mr. Young. Correct?

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1 A After he became a Maintenance
 2 Trades Helper, which is a Junior Range
 3 Technician, yeah.
 4 Q Okay. So somebody -- somebody
 5 made the decision that said, "Go work in
 6 the bunker now." Correct?
 7 A Yes, sir. But not after
 8 training.
 9 Q Okay. I'm just checking. Who
 10 said, "Go work in the bunker"? Or --
 11 MS. REISS: I'm going to --
 12 Q -- who sent him to the bunker?
 13 A I don't -- I don't --
 14 MS. REISS: I'm going to object,
 15 to the extent that he was asked and
 16 answered this. He basically said he
 17 assigned them to the ranges, and that's
 18 part of their duties. He doesn't assign
 19 each duty at the range.
 20 A That's right. I don't.
 21 MS. REISS: He's already said
 22 that.
 23 Q Here's what I'm trying to ask.

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1 And it just was a bad question. I don't
 2 think it's that complicated. I know you
 3 don't do a daily assignment. I know
 4 that. But, initially, at the very
 5 beginning, somebody pointed out to Mr.
 6 Hines that, "This is now your job."
 7 Okay?
 8 A Okay.
 9 Q And who was that?
 10 A I don't recall. It could have
 11 been Mr. Young.
 12 Q Mr. Young?
 13 A Yes, sir. It could have been Mr.
 14 Young. Mr. Hines could have rode with
 15 Mr. Young for up to a month, training on
 16 that part of the range. I frequently do
 17 that. I send people out to train for --
 18 cross-train for other jobs with my Junior
 19 Range Techs. RCS Operators ride with
 20 them frequently.
 21 Q Whose responsibility was it to
 22 train Mr. Hines in properly locking out
 23 that bunker?

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1 A I would have to say it was
 2 partially my job and partially the Safety
 3 Representative for our company. And the
 4 Q.A.Q.C. Specialist also does it.
 5 Q What are the names of those
 6 people?
 7 A Thomas Lavar and Mark -- well,
 8 let's see. What would be the safety
 9 man's name down there then?
 10 MS. REISS: Wait. No, no, no.
 11 Don't -- (Directed to Mr. Erickson.)
 12 A I don't recall his name. Robert
 13 -- I don't recall his name. But he was
 14 the Safety Representative for all of
 15 Honeywell down here. At the present time
 16 he is currently no longer employed by
 17 Honeywell. He moved on to another
 18 position.
 19 Q Mr. Erickson stated in his
 20 deposition that Mr. Hines was not
 21 properly trained. Is that a true -- is
 22 that a correct statement, when he got
 23 shocked?

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1 A He said that he was not properly
 2 trained?
 3 Q Yes, sir. Or words to that
 4 effect.
 5 A Well, I -- yes, sir. I guess
 6 that is a true statement, because being
 7 properly trained, he wouldn't have done
 8 it on purpose. Nobody is going to stick
 9 a screwdriver in a hot box.
 10 Q Now, describe that procedure,
 11 sticking a screwdriver in a hot box.
 12 First of all, describe what a hot box is.
 13 A What happened was, in order to
 14 perform lock-out, tag-out on a mover,
 15 there are up to three breakers that have
 16 to be locked and tagged out. One of them
 17 operates the motor start box; one of them
 18 operates a motor starter; and the other
 19 operates the isolation transformer or the
 20 bus phases. Okay? And Mr. Young -- I
 21 mean, Mr. Hines did not have one of those
 22 breakers tagged out, and it went to a 110
 23 source on the motor starter, in which he

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1 was checking the screw tightness, which
 2 ultimately led to the shorting of the
 3 screwdriver.
 4 MS. REISS: Did you understand
 5 that?
 6 Q Should -- should he have known
 7 that he was putting a screwdriver in a
 8 hot box?
 9 MS. REISS: I'm going to object
 10 to the form. Answer, if you know what he
 11 should have known.
 12 Q Even if you're not trained in
 13 electronics, shouldn't you know not to
 14 stick your screwdriver in a hot box?
 15 A Well, certainly. Everybody
 16 would.
 17 Q Yeah.
 18 A But Mr. -- the thing about it is,
 19 Mr. Hines had performed this job on
 20 numerous occasions prior to. I'm not
 21 saying that, you know, he wasn't
 22 thoroughly trained. He had done this
 23 same job over and over and over,

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1 repetitious. It was a monthly check that
 2 is done every month on at least five
 3 locations on his side of the range.
 4 Q I want to know, did Mr. Young
 5 deliver the mannequins to the sites in a
 6 timely and proper manner, day, after day,
 7 after day?
 8 A Can you rephrase the question, or
 9 clarify it? "Deliver them to the site,"
 10 I don't understand.
 11 Q All right.
 12 A Mr. Young was responsible for
 13 several small arms ranges' supply rooms
 14 on those small arms ranges; that he was
 15 the only one that had keys to those
 16 rooms, other than the people at Range
 17 Control, which are under our key control
 18 deal, which we have very little to do
 19 with. Mr. Young was the only one that
 20 had a set of keys to those supply rooms
 21 at various ranges. The Modified Record
 22 Fire Range, the Multipurpose Machine Gun
 23 Range. The C.P.Q.C. Range, or Combat

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1 **Pistol Qualification Range, does have a**
 2 **key ring and a key box that several**
 3 **people have access to. But this was not**
 4 **where this incident occurred. This**
 5 **incident was at the Multipurpose Machine**
 6 **Gun range. But he was the only one that**
 7 **had control of those keys. And, also,**
 8 **let me go ahead and tell you that Mr.**
 9 **Young was warned on several occasions of**
 10 **random inspections by me, immediately**
 11 **thereafter staff meetings -- which I knew**
 12 **that it was going to come up -- and I**
 13 **told him he needed to get his records**
 14 **straightened out. And then this last**
 15 **issue came up, about him not having his**
 16 **records straight.**
 17 Q His job was to deliver mannequins
 18 to the ranges. That's what he was hired
 19 to do.
 20 A No, sir. No, sir. Mr. Young was
 21 hired to do preventative maintenance. We
 22 work on a \$5,000,000 preventative
 23 maintenance contract. That's what we do.

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1 and so on, and so forth?
 2 A Yes, sir.
 3 MR. BENNITT: I'm going to take a
 4 few minutes.
 5 MS. REISS: Sure.
 6 (At this point, the pro-
 7 ceedings were held in
 8 recess and reconvened as
 9 follows:)
 10 MR. BENNITT: We're done.
 11 EXAMINATION BY MS. REISS:
 12 Q I have a couple of questions, Mr.
 13 Temple.
 14 A Yes, ma'am.
 15 Q When Mr. Hines -- after Mr. Young
 16 was terminated and Mr. Hines was
 17 performing his -- was he performing Mr.
 18 Young's duties, in addition to his own
 19 range duties?
 20 A Yes, ma'am. Partial -- part of
 21 the time. Yes.
 22 Q Was he paid any extra for that?
 23 A No.

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1 **We prevent things from happening. If**
 2 **something does happen, we repair it.**
 3 Q So he -- who replaces mannequins?
 4 I just -- help me with this. I thought
 5 he was a Range Tech --
 6 A He was.
 7 Q -- and he delivers mannequins.
 8 A He does not deliver mannequins,
 9 except unless he is running out, and then
 10 he might get some from the Supply
 11 Technician, who would -- he would then be
 12 delivering them to his range, for his
 13 supply room, to update his supply. But,
 14 no, his job does not just necessarily
 15 entail him delivering mannequins. He has
 16 multiple duties, just as everybody else
 17 does.
 18 Q Whose job is it to deliver
 19 mannequins?
 20 A I just told you Mr. Young's job:
 21 to deliver the mannequins to update his
 22 supply room.
 23 Q Okay. Did you work construction

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1 Q Did he complain to you about it?
 2 A No.
 3 Q Is Mr. Young a complainer -- Mr.
 4 Hines a complainer?
 5 A No, he's not.
 6 Q How was it to work with Mr.
 7 Young, as far as attitude?
 8 A Aggressive, abusive, unruly,
 9 pretty much 50% of the time he worked
 10 there.
 11 Q Did you ever receive complaints
 12 from any of Mr. Young's co-workers about
 13 his work habits?
 14 A Oh, yes, I did. Several times.
 15 Q Can you give me an example?
 16 A Well, Calvin and Chris were
 17 having to do work on the small arms
 18 ranges to help Curly out, to keep him up
 19 to date.
 20 Q And Calvin who?
 21 A Calvin Flowers and Chris Hines.
 22 Q And what's Calvin Flowers' race?
 23 A He is a Maintenance Trades

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1 prior to coming to work for Honeywell?
 2 A Yes, sir, I did.
 3 Q And how many years did you do
 4 that?
 5 A Approximately 15 to 17 years.
 6 Q And you acquired a knowledge in
 7 electricity?
 8 A I already had some knowledge.
 9 Q Okay. Did you expand your
 10 knowledge in electricity by working
 11 construction?
 12 A Yes, sir. Somewhat.
 13 Q Could you rewire a house?
 14 A Yes, sir, I could.
 15 Q And I said "rewire." I should
 16 have said "wire."
 17 A Yes, sir. I could wire a house.
 18 Q Hook it up to a main --
 19 A Yes, sir.
 20 Q -- box, that's sitting out there
 21 in the front yard?
 22 A Yes, sir.
 23 Q And when you finish, unhook it,

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1 **Helper, or Junior Range Technician.**
 2 **Whatever you want to call it.**
 3 Q And what's his race?
 4 A He's black.
 5 Q Okay. And Chris Hines was the
 6 other Range Tech?
 7 A Yes.
 8 Q Okay.
 9 A Both of them had to do work to
 10 help Curly keep his ranges caught up.
 11 And which I had -- the question was asked
 12 to me several times that, why wasn't Mr.
 13 Young taking all the equipment he needed
 14 to do preventative maintenance on his
 15 range on a daily basis. And I checked
 16 into it one day, which resulted in a big
 17 argument between me and him. But Curly
 18 never would -- he never wanted to do all
 19 the job. He wanted to do the parts of
 20 the job he wanted to do, and that was it.
 21 Q Did you receive complaints from
 22 any other employees about Mr. Young?
 23 A Yes, I did. On one of the

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1 moments -- or one of the mornings in
 2 question, Roger Ingles had complained to
 3 me about, why he didn't ever get all the
 4 equipment he needed, and the rest of my
 5 Range Techs did. David Holland had
 6 mentioned it on occasion. I can't
 7 remember if anybody else did.

8 Q Did you ever come up on Mr. Young
 9 when he was just sitting in his truck
 10 when he should have been working?

11 A Yes, I did.

12 Q How many times?

13 A If I were to just say off the top
 14 of my head -- because I don't recall all
 15 of them -- I know of at least four or
 16 five times, yes. One time was with Mr.
 17 Erickson, when he knocked on the window.

18 MS. REISS: That's it.

19 MR. BENNITT: All done. Thank
 20 you, sir.

21 A Yes, sir.

22 FURTHER THE DEPONENT SAITH NOT.
 23

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C E R T I F I C A T E

1
 2
 3 STATE OF ALABAMA)
 4 JEFFERSON COUNTY)
 5

6 I, Winters O. Hope, Alabama CSR 104,
 7 and Notary Public for the State of Alabama at
 8 Large, do hereby certify that I recorded by
 9 means of shorthand the foregoing deposition of
 10 JERRY L. TEMPLE at the time and place stated in
 11 the caption hereof. That said witness was
 12 first duly sworn to speak the truth. That
 13 later, under my supervision, the deposition was
 14 reduced to typewriting and the foregoing pages
 15 contain a full, true and correct transcript of
 16 the testimony of said witness on said occasion.

17 I further certify that I am neither of
 18 counsel nor of kin to any parties of said
 19 cause, nor in any manner interested in the
 20 result thereof.
 21
 22
 23

 COMMISSIONER

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C E R T I F I C A T E O F R E A S O N A B L E N E S S
O F I N V O I C E

1
 2
 3
 4 I hereby certify that I am the Court
 5 Reporter who has taken and transcribed the
 6 deposition of JERRY L. TEMPLE, witness in the
 7 case cited in the caption hereof, and the
 8 following charges for said services are fair,
 9 reasonable and comparable charges to those of
 10 others in my profession in this State.
 11

12 Per diem: ____ days \$ ____
 13 Original: ____ pgs. \$ ____
 14 Copy: ____ pgs. \$ ____
 15 Exhibits: ____ pgs. \$ ____
 16 Video: ____ hrs. \$ ____
 17 Postage/Parking: \$ ____
 18 Mileage: ____ mi. \$ ____
 19 Condensed Xcript: \$ ____
 20 Total: \$ ____
 21
 22
 23

 WINTERS O. HOPE